

On June 16, 1924, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

12344. Misbranding of linseed-oil meal. U. S. v. 400 Sacks and 100 Sacks of Linseed Oil Meal. Decrees of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. Nos. 18697, 18698. I. S. Nos. 13709-v, 16021-v. S. Nos. E-4844, E-4845.)

On or about May 19, 1924, the United States attorney for the Eastern District of Pennsylvania, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 500 sacks of linseed-oil meal remaining in the original unbroken packages in part at Philadelphia, Pa., and in part at Lancaster, Pa., consigned by the Mann Bros. Co., Buffalo, N. Y., alleging that the article had been shipped from Buffalo, N. Y., in part on or about March 7, and in part on or about March 13, 1924, and transported from the State of New York into the State of Pennsylvania, and charging misbranding in violation of the food and drugs act.

Misbranding of the article was alleged in substance in the libels for the reason that the packages contained labels which bore the following statements regarding the article and the ingredients and substances contained therein, "100 pounds 34% Protein. Pure Old Process Linseed Oil Meal. From The Mann Bros. Co. Buffalo, N. Y. Guaranteed Analysis Minimum Protein 34 Minimum Fat 6 Maximum Fiber 10," which said statements were false and misleading in that the article did not contain 34 per cent of protein.

On June 24, 1924, Ezl. Dunwoody Co. and John W. Eshelman & Sons having appeared as claimants for respective portions of the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be released to the said claimants upon payment of the costs of the proceedings and the execution of bonds in the aggregate sum of \$450, in conformity with section 10 of the act, conditioned in part that the product be relabeled under the supervision of this department.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

12345. Adulteration and misbranding of oil. U. S. v. Gaetano Garra. Plea of guilty. Fine, \$100. (F. & D. No. 16420. I. S. No. 7001-t.)

On November 1, 1922, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Gaetano Garra, New York, N. Y., alleging shipment by said defendant, in violation of the food and drugs act as amended, on or about June 4, 1921, from the State of New York into the State of Connecticut of a quantity of oil which was adulterated and misbranded. The article was labeled in part: (Can) "Finest Quality Table Oil * * * Tipo Termini Imerese" (inconspicuous type, "Cottonseed Oil Slightly Flavored With Olive Oil") "1 Gallon Net."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted of cottonseed oil. Examination of 7 cans by said bureau showed an average volume of 0.95 gallon.

Adulteration of the article was alleged in the information for the reason that a substance, to wit, cottonseed oil, had been mixed and packed therewith so as to lower and reduce and injuriously affect its quality and strength and had been substituted in whole or in part for olive oil, which the said article purported to be.

Misbranding was alleged for the reason that the statement, to wit, "1 Gallon Net," and "Finest Quality Table Oil * * * Tipo Termini Imerese," together with the design and device of an olive tree, with natives gathering olives, not corrected by the statement in inconspicuous type, "Cottonseed Oil Slightly Flavored With Olive Oil," borne on the cans containing the article, regarding the said article and the ingredients and substances contained therein, were false and misleading in that they represented that each of the said cans contained 1 gallon net of the article, and that it was olive oil, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that each of the said cans contained 1 gallon net of the article, and that the article was olive oil, whereas, in truth and

in fact, each of said cans contained a less amount and the article was not olive oil but was a mixture composed in large part of cottonseed oil. Misbranding was alleged for the further reason that the said statements, design, and device, borne on the said cans, purported the article to be a foreign product when not so. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

Misbranding was alleged for the further reason that the statement, to wit, "Cottonseed Oil Slightly Flavored With Olive Oil," borne on the cans containing the article, was false and misleading in that it represented that the article was flavored with olive oil, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was flavored with olive oil, whereas, in truth and in fact, it had no flavor of olive oil.

On June 17, 1924, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$100.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

12346. Adulteration and mishranding of flour. U. S. v. 800 Sacks of Flour. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 18083. I. S. No. 8443-v. S. No. W-1442.)

On November 22, 1923, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court of the United States for said district a libel praying the seizure and condemnation of 800 sacks of flour remaining in the original unbroken packages at San Francisco, Calif., alleging that the article had been shipped by the Crown Mills from Portland, Ore., November 9, 1923, and transported from the State of Oregon into the State of California, and charging adulteration and misbranding in violation of the food and drugs act, as amended. The article was labeled in part: (Sack) "Bakers' Chief Hard Wheat Patent Flour Crown Mills, Portland, Oregon, 98 Pounds Bleached."

Adulteration of the article was alleged in the libel for the reason that water had been mixed and packed with and substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the statement in the label, "98 Pounds" was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On December 12, 1923, the Allen Flour Company, San Francisco, Calif., having appeared as claimant for the property and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$5,000, in conformity with section 10 of the act, conditioned in part that the product be made to conform with the provisions of the law under the supervision of this department.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

12347. Adulteration of Limonada and Zarzaparrilla. U. S. v. 137 Bottles of Limonada and Zarzaparrilla. Default decree entered, ordering destruction of products. (F. & D. Nos. 18563, 18564. I. S. Nos. 3544-v, 3545-v. S. Nos. E-4802, E-4803.)

On or about March 28, 1924, the United States attorney for the District of Porto Rico, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 137 bottles of Limonada and Zarzaparrilla, at Puerta de Tierra, P. R., alleging that the articles were being offered for sale and that a portion thereof had been sold within the Territory of Porto Rico by the Tropical Fruit Juice Co., Puerta de Tierra, and charging adulteration in violation of the food and drugs act. The articles were labeled in part, respectively: "The Tropical Fruit Juice Co. * * * Limonada" and "The Tropical Industrial Company * * * Zarzaparrilla."

Adulteration of the articles was alleged in the libel for the reason that a solution of saccharin had been substituted in part for the articles, and for the further reason that they contained an added poisonous or deleterious in-